

REMARKS

This Response is to the Non-Final Office Action dated November 25, 2008 and in accordance with the telephone interview conducted on February 11, 2009. Claims 1, 11, 13 to 16, 24 to 26 and 30 have been amended and Claims 31 to 32 have been added herein. No new matter has been added by any of these amendments or new claims. Claims 22, 23 and 27 have been cancelled without prejudice or disclaimer. Please charge Deposit Account No. 02-1818 for any amounts due.

In the Office Action: (a) Claims 1, 3 to 6, 9, 10 and 26 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,364,834 to Reuss ("*Reuss*"); (b) Claims 7 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss* in view of U.S. Patent No. 6,057,758 to Dempsey et al. ("*Dempsey*"); (c) Claims 8, 15 to 17, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss* further in view of International Publication No. WO 99/42933 to Bar-Gadda ("*Bar-Gadda*"); (d) Claims 11 to 13, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss* and *Bar-Gadda* and further in view of U.S. Publication No. 2001/0044588 to Mault ("*Mault*"); (e) Claims 18 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss* and *Bar-Gadda* further in view of *Dempsey*; (f) Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bar-Gadda*, U.S. Publication No. 2002/0169636 to Eggers et al. ("*Eggers*"), *Mault* and further in view of www.catharsismedical.com; (g) Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bar-Gadda*, *Eggers* and *Mault* and further in view of Paula ("*MEMS Sensors Branch Out*". Mechanical Engineering. New Your: Oct 1996. Vol. 118, Iss. 10; pg 64) (hereinafter "*Paula*"); and (h) Claims 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss* in view of *Mault*.

During the February 11, 2009 telephone interview, the Examiners pointed out miscellaneous clarifying amendments, not prompted by any of the prior art of record, which could be made to the claims. Applicants have made these amendments herein. The Examiners also indicated it would be helpful for Applicants to add claims further elaborating on the first computer of Claim 11 and the second computer of Claim 12. Applicants have added these new claims. Support for new Claims 31 and 32 is found at least at page 9 of the application as filed.

Regarding the rejection of Claims 1, 3 to 6, 9, 10 and 26 under 35 U.S.C. §102(e) as being unpatentable over *Reuss*, Applicants submit that *Reuss* does not disclose generating a

signal at *an infusion pump* that *a notification condition related to an administration of a medication to a patient by the infusion pump* exists for the specific patient.

As discussed during the interview, *Reuss* is directed to a patient monitoring system including at least one patient monitor. Column 9, lines 33 to 37, referenced in the Office Action, refer to an alarm condition prompted by a patient monitor. Column 9, lines 39 to 40 of *Reuss* elaborate on what parameters are monitored by the patient monitor, listing “heart rate, blood pressure . . . [and] respiration rate.” These parameters are not related to an administration of medication to a patient by an infusion pump. For at least these reasons, Applicants respectfully submit that Claims 1, 3 to 6, 9, 10 and 26 are patentable over *Reuss* and in condition for allowance.

Regarding the rejection of Claims 11 to 13, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over *Reuss* and *Bar-Gadda* and further in view of *Mault*, Applicants submit that Claim 11 as presently presented is distinguished over *Reuss*, *Bar-Gadda* and *Mault*. As discussed during the interview, neither *Reuss*, *Bar-Gadda* nor *Mault* disclose a data packet generated by *an infusion pump*, wherein the information contained within the data packet includes at least one of *status information related to an administration of a medication to a patient by the infusion pump and programming information for the infusion pump*.

As discussed above, *Reuss* is directed to patient monitoring. *Bar-Gadda* is generally directed to the interaction of users through a medical electronic records database system, disclosing the transmission of x-ray files. *Bar-Gadda* does not discuss infusion pumps. Finally, *Mault* is drawn to a monitoring system for allowing a person to remotely monitor a physiological parameter of a patient. (See Abstract). Paragraph [0008] of *Mault*, for example, discloses sending body temperature readings to a computing device. None of the references teach a data packet including the claimed status and programming information. Applicants accordingly respectfully submit that Claims 11 to 13 and 28 are patentable over the combination of *Reuss*, *Bar-Gadda* and *Mault*.

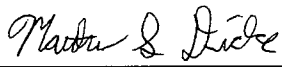
Applicants submit that the patentability of Claims 11 to 13 and 28 renders moot the rejection of Claims 7 and 26 under 35 U.S.C. §103(a) as being unpatentable over *Reuss* in view of *Dempsey*; Claims 8, 15 to 17, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Reuss* further in view of *Bar-Gadda*; Claims 18 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Reuss* and *Bar-Gadda* further in view of *Dempsey*; Claim 19 under 35 U.S.C.

§103(a) as being unpatentable over *Bar-Gadda, Eggers, Mault* and further in view of www.catharsismedical.com; and Claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Reuss* in view of *Mault*.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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